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September 5, 2013

By ECF

Honorable Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1610
New York, NY 10007

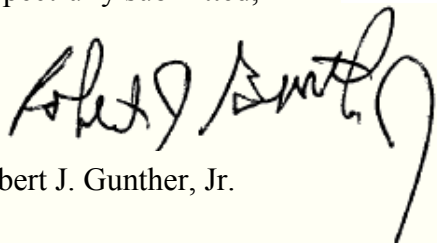
Re: *Eastman Kodak Company v. Ricoh Company, Ltd.*, 12-cv-3109 (DLC)

Dear Judge Cote:

This is in response to Mr. Eiseman's letter of this afternoon requesting that the October 7, 2013 ready trial date be vacated. As Mr. Eiseman notes, Kodak's main fact witness is unavailable during the period October 16-17. While Mr. Eiseman proposes that trial begin on October 18, that day is a Friday, and we understand from the Court's Individual Rules that the Court does not normally sit on Fridays. Further, as we explained to Mr. Eiseman, beginning trial on the 18th would require Kodak's main fact witness to leave California on the evening of the 17th and take the "redeye" to arrive in New York early in the morning on the 18th. In addition, the Court currently has a criminal trial scheduled to begin on October 21. For these reasons, the October dates suggested by Mr. Eiseman do not appear workable. Kodak opposes Mr. Eiseman's alternative suggestion to delay the trial until December.

We note that the availability issues identified by Ricoh relate to either retained experts or counsel. Scheduling issues often occur with busy experts and lawyers, but these issues cannot and should not dictate trial scheduling. Kodak respectfully requests that the October 7 ready trial date be maintained.

Respectfully submitted,



Robert J. Gunther, Jr.